

REMARKS

Reconsideration and allowance of the above-subject application are respectfully requested.

The independent claim amendments are based on suggestions from telephone discussions from Examiner Beyen that he initiated with the undersigned on March 10 and 11, 2011.

Example support for the amendments may be found at page 12, line 27-page 13, line 29.

All the claims stand rejected under 35 USC §103 based on Biggs, Boland, and Chavez. This rejection is respectfully traversed.

Claim 27 recites, among other things, “distributing the user-register to the user-device and/or predefining the user-register in the user-device,” “distributing the priority-table to the user-device when the user-device enters a coverage area associated with the priority table,” “the user-device then comparing the distributed with the user register,” and “if one of the priority-groups defined in the user-register and one of the priority-groups in the priority-table match, then assigning to the user device the quality of service associated with a priority-level for the one priority-group in the priority-table so that the one priority group of multiple users can be provided with the assigned quality of service.” Claim 36 recites “a plurality of user-devices each being provided with a corresponding user-register,” “the user device being configured to match one of the priority-groups defined in the user-register with one of the priority-groups in the priority-table,” the user device configured to identify one of the priority tables and matching one the priority groups in the user-register with one of the priority-groups in the priority-table, and “means for assigning, based on the match, the quality of service associated with the priority-level for the one priority-group in the priority table assigned to the user-device so that a group of multiple users can be provided with a particular quality of service.” Claim 43 recites a user

device provided with a user-register and being configured to: “identify a present coverage area for said user-device,” “identify one of the priority-tables by matching the present coverage area for the user-device with one of the coverage areas associated with the priority-tables using the area-identifier,” and “match a priority-group defined in the user-register and a priority-group in the priority-table and have a quality of service associated with a priority-level for the matched priority-group in the a priority-table assigned to the user-device.” These claim features are missing from Biggs, Boland, and Chavez.

For the claimed user-register distributed to or included in the user device, the Examiner relies on Boland’s teachings in paragraph [0012] which describe assigning a service priority for subscribers by storing priority data in appropriate subscriber memory locations in a home location register database (HLR) 113. An HLR is a centralized database that stores subscriber data for many subscribers. There is no teaching or suggestion in Boland of distributing to or including a user-register in the user device. The home location register 113 is a part of the mobile switching center 103 network node and is not a part of Boland’s mobile subscriber station 101 (which corresponds to the claimed user device). Boland compares the identity of a mobile subscriber station 101 with the service priority data stored in the HLR 113 for the mobile subscriber station 101 to determine whether this mobile subscriber station 101 is entitled to wireless service. See page 14, lines 5–12 in Boland. The final office action fails to address this distinction made in Applicant’s last response.

This claimed technology, (missing from Boland and the other applied references), enables the user device to compare a current coverage area’s priority groups in a priority-table with priority groups previously stored in the user-register in the user device. As a result, the user device may then decide for itself, i.e., without involving the network, if it should request a

certain level of service from the network. Rather than the user device having to inquire with the network about a certain level of service, the user device may itself determine one-sided limitations on the quality of service. The user device may also determine using its user-register that it is not allowed to attempt to establish a traffic channel with the network in the present coverage area. With the user device comparing the user-register with priority-tables and controlling the quality of service provided to it, the demands on the network can be significantly reduced if the quality of service is generally determined by the user device itself. None of the applied documents discloses these advantages of the user-register being included in the user device.

In addition to the combined teachings of Biggs, Boland, and Chavez missing the above claim features, the three (3) documents are combined without satisfactorily explaining why a skilled person would be motivated to make these many modifications of Biggs. For example, the primary reference to Biggs is admitted to be lacking six (6) claim features from claim 27. The only reason the office action gives for modifying Biggs to include Boland's HLR is to "efficiently provide terminals with a better quality of service according to their locations." The office action fails to explain how including Boland's HLR accomplishes this in Biggs. The same exact reason just quoted is also given to justify combining Chavez's wireless terminal with Biggs and Boland. But if Biggs is modified as set forth in the office action to use Boland's HLR database which already stores the user device priority for network-based priority matching, then why would one also use Chavez's wireless terminal to "match[] the priority with the area" as suggested by the office action on page 6? That does not make sense to do priority matching in the network and in the user device. It is not obvious that a person of ordinary skill would have any reason to make so many modifications to Biggs, and especially modifications that seem


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unnecessary, absent improper hindsight. See *Ecolab, Inc. v. FMC Corp.*, 569 F.3d 1335 (Fed. Cir. 2009). This improper hindsight is a separate ground requiring withdrawal of the rejection.

The application is in condition for allowance. An early notice to that effect is requested.

Respectfully submitted,

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